

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**CAROL MILLER**, individually and on  
behalf of all others similarly situated,

*Plaintiff,*

v.

**BATH SAVER, INC. and BATH  
FITTER MANUFACTURING INC.,**

*Defendants.*

Case No. 1:21-cv-01072-JPW

JUDGE JENNIFER P. WILSON

ELECTRONICALLY FILED

**PLAINTIFF’S MOTION FOR AWARD OF ATTORNEYS’ FEES,  
EXPENSES, AND CLASS REPRESENTATIVE SERVICE PAYMENT**

Plaintiff Carol Miller (“Plaintiff”) and Defendants Bath Saver, Inc. and Bath Fitter Manufacturing Inc. reached a class action settlement agreement (“Settlement Agreement” or “Agreement”) that establishes a non-reversionary Settlement Fund in the amount of \$1,950,000 for the benefit of the Settlement Class. Defendants have also agreed to take remedial measures aimed at curbing future potentially violative calls. These changes in business practices themselves have an economic value of more than \$1,450,000 over the next four years to the Settlement Class, making the Settlement’s total economic value more than \$3,400,000. Preliminary approval of the Settlement was granted on October 4, 2022 (ECF 60).

Plaintiff and Class Counsel submit this motion to address their request for a class representative service award, as well as an award of attorneys' fees and expenses. For the reasons set forth in Plaintiff's Brief, filed concurrently, Plaintiff respectfully submits that the requested class representative Service Payment of \$5,000, an attorneys' fee award of one-third of the Settlement Fund, and an award of \$19,350.60 in expenses are well justified in light of the excellent result achieved for the Settlement Class under applicable Supreme Court and Third Circuit precedents.

Plaintiff's proposed final approval order submitted in conjunction with the Motion for Final Approval of Class Action Settlement will incorporate Plaintiff's requested attorneys' fees, expenses, and the proposed Service Payment.

DATED this 29th day of November, 2022. Respectfully submitted,

/s/ Avi R. Kaufman

Avi R. Kaufman (Trial Counsel)

Florida State Bar # 84382

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*Class Counsel*

**CERTIFICATE OF CONCURRENCE**

I HEREBY CERTIFY that on November 29, 2022, I conferred with Defendants' counsel to request concurrence in the foregoing Motion, and Defendants' counsel concurs with the Motion.

/s/ Avi R. Kaufman

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 29, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, and it is being served this day on all counsel of record via transmission of Notice of Electronic Filing generated by CM/ECF.

/s/ Avi R. Kaufman